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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/584,017	01/23/2007	Chunlin Tao	252900	4760		
	7590 01/09/2008 & MAYER, LTD		EXA	EXAMINER		
TWO PRUDEN	ITIAL PLAZA, SUITE 49	000	WITHERSPOON, SIKARL A			
180 NORTH ST CHICAGO, IL (TETSON AVENUE 60601-6731		ART UNIT PAPER NUMBER			
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			01/09/2008	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<u> </u>	Application No.	Applicant(s)	
•	10/584,017	TAO ET AL.	
Office Action Summary	Examiner	Art Unit	
	Sikarl A. Witherspoon	1621	
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet with	h the correspondence a	ddress
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 1.136(a). In no event, however, may a report will apply and will expire SIX (6) MONTHULE, cause the application to become ABA	ATION. oly be timely filed HS from the mailing date of this NDONED (35 U.S.C. § 133).	
Status			
 1) ⊠ Responsive to communication(s) filed on 01 2a) ☐ This action is FINAL. 2b) ⊠ Th 3) ☐ Since this application is in condition for allow closed in accordance with the practice under 	nis action is non-final. vance except for formal matte		e merits is
Disposition of Claims			
4) Claim(s) 47-89 is/are pending in the application 4a) Of the above claim(s) is/are withdrest size allowed. 5) Claim(s) is/are allowed. 6) Claim(s) 47-70 and 78-89 is/are rejected. 7) Claim(s) 71-77 is/are objected to. 8) Claim(s) are subject to restriction and application Papers	rawn from consideration.		
<u> </u>			
9) The specification is objected to by the Examination 10) The drawing(s) filed on is/are: a) and a complete any applicant may not request that any objection to the Replacement drawing sheet(s) including the correct of the sheet of the sheet and the sh	ccepted or b) objected to by se drawing(s) be held in abeyance ection is required if the drawing(s	e. See 37 CFR 1.85(a).) is objected to. See 37 C	
Priority under 35 U.S.C. § 119	·		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document copies of the priority document copies of the certified copies of the priority document copies of the certified copies of the priority document copies of the certified copies of the priority copies of the priority copies of the priority document copies of the certified copies of the priority copies of the prio	nts have been received. nts have been received in Application in the contract of the contract	olication No eceived in this National	l Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 6/22/06, 11/1/07.	Paper No(s)/	mmary (PTO-413) Mail Date ormal Patent Application	

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 48, 50, 52, 57, 59, 61, and 78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 48, 50, 52, 57, 59, and 61 recite that substituent R_2 is hydrogen; however, according to claim 47 from which the instant claims depend, R_2 is an alkyl group; thus the instant claims are found indefinite.

Claim 78 recites a process for preparing a compound of claim 47; however, the process steps recited will form a compound of claim 47 wherein X is C=O. The compound of claim 47 is a genus that encompasses many different compounds and classes of compounds. Accordingly, the instant claim is indefinite for failing to describe a particular species, or subgenus made by the claimed process.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 47 is rejected under 35 U.S.C. 102(a) as being anticipated by the compound disclosed in the reference XP-002449569.

Claim 47 is rejected under 35 U.S.C. 102(b) as being anticipated by the compound disclosed in reference XP-002449571.

Claims 47 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by the compound disclosed in reference XP-002449564.

Claim 47 is rejected under 35 U.S.C. 102(b) as being anticipated by the compound disclosed in reference XP-002449570.

Claims 47 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by the compound disclosed in reference XP-002449568.

Claims 47 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by the compound disclosed in reference XP-002449567.

Claims 47, 48, 56, 65, 66, 69, 70, 78, and 79 are rejected under 35 U.S.C. 102(b) as being anticipated by Riebel et al (US 3,215,530).

The compounds disclosed at column 2, lines 15-31, and the process disclosed at column 3, lines 44-60, anticipate the instant claims.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 49, 51, 53-55, 58, 60, and 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riebel et al.

The instant claims are drawn to limitations that recite compounds that are not disclosed by Riebel et al; however, the compounds described the instant claims would be closely homologous compounds, differing at substituents R2 and R3 by 1 or 2 carbon atoms. The instant claims are therefore found obvious because it would have been obvious to a person having ordinary skill in the art to make such compounds, given the compounds that are disclosed by Riebel et al, with the reasonable expectation of providing more compounds that have the desired anti-fading properties taught by Riebel et al.

Claims 80-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trapani et al (Current Medicinal Chemistry, 2000) in view of Riebel et al.

The instant claims are drawn to pharmaceutical compositions comprising the compounds of the present invention and to methods of using said compound(s) or compositions.

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Trapani et al teach the use of Propofol (2,6-diisopropylphenol) and certain derivatives as an anesthetic. The derivatives recited by the instant claims are not specifically taught by Trapani et al; however, as taught by Riebel et al, albeit for a different use, compounds that are considered derivatives of Propofol are known. It therefore would have been obvious to a person having ordinary skill in the art that the compounds taught by Riebel et al, as Propofol derivatives, would have utility in anesthetic and sedation inducing formulations.

Claims 71-77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

Claims 65-68 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to another claim in the alternative only, and should not depend from another multiple dependent claim. See MPEP § 608.01(n).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikarl A. Witherspoon whose telephone number is 571-272-0649. The examiner can normally be reached on M-F 8:30-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SIKARL A. WITHERSPOON PRIMARY EXAMINER

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